

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 20, 2003**

Senate Chamber

President Risch called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senators Bunderson, Burkett, Cameron, Keough, Marley, Noh, Pearce, Schroeder, Stegner, Stennett, and Werk, absent and excused.

The President announced that the Oath of Office had previously been administered to Acting Senator Ellis, District 30.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Mendi Ward, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Pearce and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 19, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

Senators Bunderson, Cameron, and Keough were recorded present at this order of business.

### **SJM 102 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
THE UNITED STATES IN CONGRESS ASSEMBLED, AND  
TO THE CONGRESSIONAL DELEGATION REPRESENTING

THE STATE OF IDAHO IN THE CONGRESS OF THE  
UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, under tax relief legislation passed in 2001, the death tax was temporarily phased out but not permanently eliminated; and

WHEREAS, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

WHEREAS, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

WHEREAS, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes; and

WHEREAS, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year of extra output and an average of 145,000 additional new jobs would have been created; and

WHEREAS, having repeatedly passed in the United States House of Representatives and the Senate, repeal of the death tax holds wide bipartisan support.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully urge the Congress of the United States and our elected Senators and Representatives in the United States Congress to support, work to pass and vote for the immediate and permanent repeal of the death tax.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

### **SJM 103**

### **BY STATE AFFAIRS COMMITTEE**

### **A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
THE UNITED STATES IN CONGRESS ASSEMBLED, AND  
TO THE CONGRESSIONAL DELEGATION REPRESENTING  
THE STATE OF IDAHO IN THE CONGRESS OF THE  
UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, in 1969, the United States Congress created the Alternative Minimum Tax to prevent wealthy Americans and corporations from using otherwise available deductions to reduce their income tax liability; and

WHEREAS, today the Alternative Minimum Tax has placed an onerous burden on working, middle-class families and productive companies; and

WHEREAS, any family with an annual income of more than \$49,000 which deducts its state and local taxes, mortgage interest, children and college education will be subject to the Alternative Minimum Tax; and

WHEREAS, the corporate Alternative Minimum Tax targets capital-intensive industries that create jobs, raise the incomes of workers and increase the standard of living for all Americans; and

WHEREAS, corporations subject to the Alternative Minimum Tax during recessions are more likely to lay off their employees; and

WHEREAS, it is important to protect working families and productive companies from tax burdens that reduce the possibility of economic prosperity.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we hereby respectfully urge the Congress of the United States and our elected Senators and Representatives in the United States Congress to vote to repeal the individual and corporate Alternative Minimum Tax.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

#### SCR 105

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF PUBLIC TRANSPORTATION SYSTEMS AND METHODS OF FUNDING PUBLIC TRANSPORTATION IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, public transportation currently is a significant component of Idaho's transportation system in urban areas and the rural communities that are regionally connected to these urban areas; and

WHEREAS, six metropolitan areas in Idaho were designated urbanized by the United States Bureau of the Census following the 2000 census, making the areas eligible for federal transit funds; and

WHEREAS, public transportation necessarily will play a more significant role in the future because it can significantly alleviate congestion on roadways, providing for more efficient use of energy as well as extending the useful life of roadways; and

WHEREAS, it is essential to provide transportation to a growing number of Idaho citizens who are unable to operate motor vehicles and are thus dependent upon public transportation; and

WHEREAS, existing public transportation systems within the state are inadequate to meet existing and future demand; and

WHEREAS, a comprehensive source of information on existing public transportation systems in the state does not currently exist; and

WHEREAS, there is a need to analyze the wide variety of methods to coordinate and enhance public transportation; and

WHEREAS, the Legislature finds that it is necessary and appropriate to establish a study committee to identify and analyze various methods of public transportation systems and the funding of such systems; and

WHEREAS, the Legislature recommends that such a study committee should also:

- (1) Document private and all public funds, federal, state and local, expended on public transportation in Idaho; and
- (2) Document an inventory of existing public transportation services; and
- (3) Identify transportation links, as park and ride, rail, transit, commuter services, and air; and
- (4) Identify overlapping and duplicative services; and
- (5) Determine options for coordination; and
- (6) Recommend strategies for methods to coordinate public transportation services; and
- (7) Recommend strategies for providing private and public funding of public transportation services.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of public transportation systems and methods of funding public transportation in Idaho. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochair of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-seventh Idaho Legislature.

**SJM 102, SJM 103, and SCR 105** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

February 19, 2003

The JUDICIARY AND RULES Committee reports out **S 1115, S 1094, S 1095, S 1096, and H 219** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1115, S 1094, S 1095, S 1096, and H 219** were filed for second reading.

February 19, 2003

February 19, 2003

The STATE AFFAIRS Committee reports out **H 111**, as amended, and **H 147** with the recommendation that they do pass.

SORENSEN, Chairman

**H 111**, as amended, and **H 147** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 18, 2003

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1009**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Schroeder was recorded present at this order of business.

February 19, 2003

Mr. President:

I transmit herewith **H 151**, **HCR 16**, **H 22**, **H 23**, **H 24**, **H 25**, **H 26**, **H 129**, **H 127**, **H 181**, **H 182**, **H 38**, **H 40**, and **H 36** which have passed the House.

JUKER, Chief Clerk

**H 151**, **HCR 16**, **H 22**, **H 23**, **H 24**, **H 25**, **H 26**, **H 129**, **H 127**, **H 181**, **H 182**, **H 38**, **H 40**, and **H 36** were filed for first reading.

Mr. President:

I transmit herewith Enrolled **H 130** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 130** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senators Burkett, Stennett, and Werk were recorded present at this order of business.

The President announced the Agricultural Affairs Committee report relative to the Gubernatorial appointment of David Bennett was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On request by Senator Noble, granted by unanimous consent, the Gubernatorial appointment confirmation of David Bennett retained its place on the calendar for one legislative day.

The President announced the Agricultural Affairs Committee report, relative to the Gubernatorial appointment of Wayne Hurst, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Calabretta, the Gubernatorial appointment of Wayne Hurst as a member of the Idaho Food Quality Assurance Institute was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1124**

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO AGRICULTURAL FIELD BURNING;  
AMENDING SECTION 22-4803, IDAHO CODE, TO  
PROHIBIT CROP RESIDUE BURNING ON THE  
RATHDRUM PRAIRIE ON CERTAIN DAYS AND TO  
PROVIDE PENALTIES FOR VIOLATION; AND  
DECLARING AN EMERGENCY.

**S 1125**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO HEALTH INSURANCE; AMENDING SECTION 20, CHAPTER 472, LAWS OF 2000, TO PROVIDE THAT THE HEALTH CARE TASK FORCE SHALL MONITOR CERTAIN HEALTH INSURANCE PROVISIONS AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ANY FINDINGS AND RECOMMENDATIONS ANNUALLY TO THE IDAHO LEGISLATURE SO LONG AS THE TASK FORCE IS ACTIVE.

**S 1126**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO CERTIFIED SHORTHAND REPORTERS ACT; AMENDING SECTION 54-3108, IDAHO CODE, TO PROVIDE THAT PERSONS WHO ARE CERTIFIED COURT REPORTERS OR CERTIFIED SHORTHAND REPORTERS IN GOOD STANDING IN OTHER STATES OR TERRITORIES AND WHO MEET CERTAIN QUALIFICATIONS AS DETERMINED BY THE STATE CERTIFIED SHORTHAND REPORTERS BOARD SHALL BE ENTITLED TO REGULAR CERTIFICATION WITHOUT EXAMINATION UPON PAYMENT OF A FEE.

**S 1124**, **S 1125**, and **S 1126** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 151**, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 16**, by Environmental Affairs Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 22**, **H 23**, **H 24**, **H 25**, and **H 26**, by Mr. Speaker, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 129** and **H 127**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 181** and **H 182**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**H 38**, **H 40**, and **H 36**, by Mr. Speaker, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

Senator Noh was recorded present at this order of business.

**S 1039**, **S 1041**, **S 1042**, and **S 1043**, by Transportation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1047** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Ellis (Malepeai), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burkett, Marley. Total - 2.

Total - 35.

Whereupon the President declared **S 1047** passed, title was approved, and the bill ordered transmitted to the House.

Senator Marley was recorded present at this order of business.

**S 1048** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate.

On request by Senator Goedde, granted by unanimous consent, **S 1048** retained its place on the Third Reading Calendar for one legislative day.

**S 1093** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Ellis (Malepeai), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1093** passed, title was approved, and the bill ordered transmitted to the House.

**S 1112** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Ellis (Malepeai), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1112** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

**H 13**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Little, Lodge, McKenzie, Pearce, Richardson, Sorensen, Sweet, Williams. Total - 20.

NAYS--Bailey, Brandt, Burkett, Calabretta, Ellis (Malepeai), Kennedy, Keough, Marley, McWilliams, Noble, Noh, Schroeder, Stegner, Stennett, Werk. Total - 15.

Total - 35.

Whereupon the President Pro Tempore declared **H 13**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10:45 a.m., Friday, February 21, 2003.

ROBERT E. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary